

REMARKS

Claims 1 – 29 were originally filed with this application. According to the Examiner, applicants' election filed on September 17, 2004 was not fully responsive to the first Office action (dated August 16, 2004) because applicants did not, as required by the Examiner under 35 U.S.C. § 121, elect a single invention for prosecution of the application on the merits. More specifically, applicants should have elected both a single group of claim(s) drawn to a particular invention from Paragraph 1 and also a species from Paragraph 5 of the first Office action. However, applicants elected only a species—specifically, the invention of Figures 5 - 8 and claims 1 – 3, 12, and 19 - 29.

As a result, in this second Office action and under 35 U.S.C. § 121, the Examiner has required restriction to one of the inventions of respective groups I – IX of Paragraph 1 of the first Office action. According to the Examiner, the inventions of groups I – IX are related as sub-combinations disclosed as usable together in a single combination, and the sub-combinations are distinct from each other because they are separately usable. However, applicants respectfully traverse this Restriction/Election Requirement.

Nevertheless, in response to this requirement, applicants elect the invention of Group III (claims 8, 9, 18, 20, and 21), drawn to a tape dispenser having hinged walls. According to the Examiner, claims 1, 2, 4, 5, and 19 will be examined with this elected invention.

As already addressed in applicants' response of September 17, 2004, according to Paragraph 5 of the first Office action, the Examiner also found the application to contain claims directed toward the following patentably distinct species of the claimed invention:

- Group I: Species A (Figures 1 – 4); and
- Group II: Species B (Figures 5 – 8).

Pursuant to 35 U.S.C. §121, the Examiner required applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner stated that “[c]urrently most of the claims are generic.” For this reason, applicants respectfully traversed the Restriction/Election Requirement.

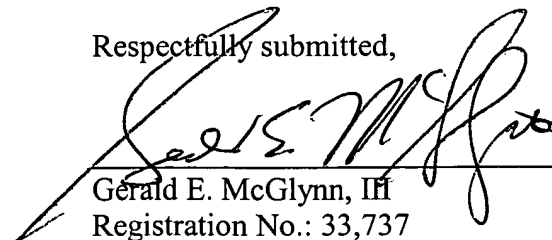
Specifically, applicants noted that independent claim 1 is generic and reads on the trail-tape dispensers illustrated in Figures 1 - 8. In addition, applicants took this opportunity to correlate the presently pending claims with the trail-tape dispensers illustrated in the figures.

Claim(s)	Corresponding Trail-Tape Dispensers Illustrated in the Figures
1 – 3 and 12	Figures 1 – 8
4 – 11 and 13 – 18	Figures 1 – 4
19 – 29	Figures 5 – 8

In view of the above, applicants respectfully submitted that there is at least one generic independent claim presently pending in this application. Nevertheless, applicants *provisionally* elected to prosecute the invention of Group II—Figures 5 - 8 and claims 1 – 3, 12, and 19 - 29.

Finally, it is respectfully submitted that the claims clearly distinguish over the prior art and are, therefore, allowable. Accordingly, applicants respectfully solicit allowance of the pending claims.

Respectfully submitted,



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